

**WEDNESDAY, MAY 18, 2011**

**THIRTY-SIXTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Senator Herron.

**PLEDGE OF ALLEGIANCE**

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 31

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

**COMMUNICATIONS**

May 17, 2011

The Honorable Ron Ramsey  
Speaker of the Senate  
One Legislative Plaza  
Nashville, Tennessee 37243

Dear Speaker Ramsey:

This is to request your excuse for my absence from Session May 17 and 18, 2011. Due to the unexpected death this past weekend of my law firm partner, I will be unable to attend.

I appreciate your consideration of this request.

Sincerely,

/s/ Jim Kyle

APPROVED: Lieutenant Governor  
Ron Ramsey

May 18, 2011

The Honorable Ronald L. Ramsey  
Lieutenant Governor  
Speaker of the Senate  
Suite One, Legislative Plaza  
Nashville, TN 37243

Re: Absence on May 18, 2011

Dear Speaker Ramsey,

I am writing to inform you that I will not be able to attend the Senate Session on May 18, 2011, due to the fact that I will be attending my daughter's graduation ceremony.

Thank you for your consideration in this matter.

Sincerely,

/s/ Eric Stewart

APPROVED: Lieutenant Governor  
Ron Ramsey

### **STANDING COMMITTEE REPORTS**

#### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 109, 312 with amendment, 372, 387 with amendment, 389 with amendment, 424 with amendment, 802, 940 with amendment, 1111 with amendment, 1112, 1114 with amendment and 1775 with amendment; and Senate Joint Resolution No. 224; also, recommend that Senate Bills Nos. 605 with amendment, 834 with amendment and 869 with amendment; and Senate Joint Resolution No. 222 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson  
May 17, 2011

The Speaker announced that he had referred Senate Bills Nos. 109, 312 with amendment, 372, 387 with amendment, 389 with amendment, 424 with amendment, 802, 940 with amendment, 1111 with amendment, 1112, 1114 with amendment and 1775 with amendment; and Senate Joint Resolution No. 224 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 605 with amendment, 834 with amendment and 869 with amendment; and Senate Joint Resolution No. 222 to the Committee on Finance, Ways and Means.

**GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 201 with amendment and 229.

WATSON, Chairperson  
May 17, 2011

The Speaker announced that he had referred Senate Bills Nos. 201 with amendment and 229 to the Committee on Calendar.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 42, 650, 672 with amendment, 771 with amendment, 772, 837, 1109, 1110, 1152, 1224 with amendment, 1243, 1273 with amendment, 1348, 1449 with amendment, 1529 with amendment, 1707, 1740, 1748 with amendment and 1915; Senate Resolution No. 26; and Senate Joint Resolution No. 119.

MCNALLY, Chairperson  
May 17, 2011

The Speaker announced that he had referred Senate Bills Nos. 42, 650, 672 with amendment, 771 with amendment, 772, 837, 1109, 1110, 1152, 1224 with amendment, 1243, 1273 with amendment, 1348, 1449 with amendment, 1529 with amendment, 1707, 1740, 1748 with amendment and 1915; Senate Resolution No. 26; and Senate Joint Resolution No. 119 to the Committee on Calendar.

**REFERRAL OF BILLS**

Mr. Speaker Ramsey announced he had referred the following Senate Bill to the Committee on Delayed Bills: **Senate Bill No. 2118**.

**PRESENTATION**

Senator McNally presented **Senate Resolution No. 52** to Senator Henry.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 2119** be passed on first consideration, which motion prevailed.

**INTRODUCTION OF BILL**

The Speaker announced that the following bill was filed for introduction and passed first consideration:

**Senate Bill No. 2119** by Senator Yager.

Kingston -- As introduced, subject to local approval, moves the date of the city election to coincide with the November general election; extends the four-year terms of office of the mayor and

## WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY

councilmen elected at the regular city election held in June 2009 or June 2011 to expire December 1, 2014 or 2016. Amends Chapter 298 of the Private Acts of 1972.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 492, 493, 865, 869, 1268, 1295 and 1336** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 492** -- Hospitals and Healthcare Facilities -- As introduced, extends for two years the nursing home privilege tax and restricts the use of such tax revenues to the funding of nursing home rates. Amends TCA Title 68, Chapter 11, Part 2.

**House Bill No. 493** -- Hospitals and Healthcare Facilities -- As introduced, extends the current moratorium on the issuance of certificates of need (CONs) for new nursing home beds until June 30, 2013. Amends TCA Title 68, Chapter 11, Part 16.

**House Bill No. 865** -- Highway Patrol -- As introduced, authorizes a highway patrol member in good standing that retires because the member met the mandatory retirement age but didn't have 20 years of service to keep his badge and weapon and to receive a retired commissioned card. Amends TCA Section 4-7-110.

**House Bill No. 869** -- Capital Punishment -- As introduced, adds random killings to the list of aggravating factors for imposition of the death penalty. Amends TCA Section 39-13-204.

**House Bill No. 1268** -- Election Laws -- As introduced, revises the pilot project requirements for convenient voting centers in certain municipal elections. Amends TCA Title 2, Chapter 3.

**House Bill No. 1295** -- Utilities, Utility Districts -- As introduced, requires commissioners of certain water utility districts in Lawrence County to be elected by the customers of the utility district. Amends TCA Section 7-82-307.

**House Bill No. 1336** -- Education -- As introduced, enacts the "Special Education Behavioral Supports Act", amending current restrictions on isolation and restraint in special education. Amends TCA Title 49, Chapter 10, Part 13.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 2114 and 2117** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

**Senate Bill No. 2114** referred to the Committee on Finance, Ways and Means.

**Senate Bill No. 2117** referred to the Committee on Finance, Ways and Means.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 395 through 418 and 420 through 430**; and **Senate Resolutions Nos. 51 through 58** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 395** by Senator Barnes.

Memorials, Academic Achievement -- Megan Kay Hasse, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 396** by Senator Barnes.

Memorials, Academic Achievement -- Michael Andrew Newton, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 397** by Senator Barnes.

Memorials, Academic Achievement -- Taylor Michelle Winkler, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 398** by Senator Barnes.

Memorials, Academic Achievement -- Emily Jane Johnson, Salutatorian, Harpeth High School.

**Senate Joint Resolution No. 399** by Senator Barnes.

Memorials, Academic Achievement -- Megan Danielle Nicholson, Valedictorian, Cheatham County Central High School.

**Senate Joint Resolution No. 400** by Senator Barnes.

Memorials, Academic Achievement -- Emily Rebecca Bowman, Salutatorian, Cheatham County Central High School.

**Senate Joint Resolution No. 401** by Senator Barnes.

Memorials, Academic Achievement -- David Benjamin Bell, Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 402** by Senator Barnes.

Memorials, Academic Achievement -- Josiah Duff Brown, Salutatorian, Sycamore High School.

**Senate Joint Resolution No. 403** by Senator Barnes.

Memorials, Academic Achievement -- Nicole Isabella Santoyo, Valedictorian, Academy for Academic Excellence.

**Senate Joint Resolution No. 404** by Senator Barnes.

Memorials, Academic Achievement -- Jessica Kai-Lin Huang, Valedictorian, Clarksville Academy.

**Senate Joint Resolution No. 405** by Senator Barnes.

Memorials, Academic Achievement -- Malcolm Thomas Black, Salutatorian, Clarksville Academy.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 406** by Senator Barnes.

Memorials, Academic Achievement -- Tiffany Anne Donner, Valedictorian, Northeast High School.

**Senate Joint Resolution No. 407** by Senator Barnes.

Memorials, Academic Achievement -- Benjamin Gene Geering, Salutatorian, Northeast High School.

**Senate Joint Resolution No. 408** by Senator Barnes.

Memorials, Academic Achievement -- Emily Marie Travis, Valedictorian, Northwest High School.

**Senate Joint Resolution No. 409** by Senator Barnes.

Memorials, Academic Achievement -- Ethan Wayne Bisgaard, Salutatorian, Northwest High School.

**Senate Joint Resolution No. 410** by Senator Barnes.

Memorials, Academic Achievement -- Amber Lynn Kearns, Valedictorian, Rossvie High School.

**Senate Joint Resolution No. 411** by Senator Barnes.

Memorials, Academic Achievement -- Jason Lou Giaffo, Salutatorian, Rossvie High School.

**Senate Joint Resolution No. 412** by Senator Barnes.

Memorials, Academic Achievement -- Veronica Cordova, Valedictorian, West Creek High School.

**Senate Joint Resolution No. 413** by Senator Barnes.

Memorials, Academic Achievement -- Elodie Denise Kruk, Salutatorian, West Creek High School.

**Senate Joint Resolution No. 414** by Senator Barnes.

Memorials, Academic Achievement -- Robert Lucian Habersetzer III, Valedictorian, Montgomery Central High School.

**Senate Joint Resolution No. 415** by Senator Barnes.

Memorials, Academic Achievement -- Gene Charles Hall, Salutatorian, Montgomery Central High School.

**Senate Joint Resolution No. 416** by Senator Woodson.

Memorials, Interns -- J. Tyler Whaley.

**Senate Joint Resolution No. 417** by Senator Burks.

Memorials, Recognition -- Camp Country Lad, 50th anniversary.

**Senate Joint Resolution No. 418** by Senator Bell.

Memorials, Interns -- Jacob Morgan.

**Senate Joint Resolution No. 420** by Senator Kyle.

Memorials, Interns -- Charles Burns.

**Senate Joint Resolution No. 421** by Senator Kyle.

Memorials, Death -- Sharon Trammell.

**Senate Joint Resolution No. 422** by Senator Kyle.

Constitutional Amendments -- Proposes an amendment to freeze state and local sales and use taxes at rate in effect in each taxing jurisdiction on November 4, 2014.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 423** by Senator Beavers.

Memorials, Professional Achievement -- Kim Vann, 2010-2011 Wilson County Teacher of the Year.

**Senate Joint Resolution No. 424** by Senator Yager.

Memorials, Retirement -- Dr. Donald E. Miller.

**Senate Joint Resolution No. 425** by Senator Yager.

Memorials, Death -- Dr. Martha Wade Green.

**Senate Joint Resolution No. 426** by Senator Finney.

Memorials, Interns -- Thomas Whisenant.

**Senate Joint Resolution No. 427** by Senator Campfield.

Memorials, Interns -- Alex Jones.

**Senate Joint Resolution No. 428** by Senator Herron.

Memorials, Academic Achievement -- Danielle Lynn Lamb, Valedictorian, Dresden High School.

**Senate Joint Resolution No. 429** by Senator Herron.

Memorials, Academic Achievement -- Joy Wharton, Salutatorian, Dresden High School.

**Senate Joint Resolution No. 430** by Senator Henry.

Memorials, Retirement -- Phil Armor.

**Senate Resolution No. 51** by Senator Summerville.

Memorials, Death -- Joshua Ragsdale.

**Senate Resolution No. 52** by Senator McNally and Mr. Speaker Ramsey.

Memorials, Personal Occasion -- Senator Douglas Henry, Jr., 85th birthday.

**Senate Resolution No. 53** by Senator McNally and Mr. Speaker Ramsey.

Memorials, Recognition -- Brian Lott, Ben Lott, Jennifer Sternthal, Larry Grub, Maja Mullen, and Lourdes York.

**Senate Resolution No. 54** by Senator McNally and Mr. Speaker Ramsey.

Memorials, Interns -- Amber McCullough.

**Senate Resolution No. 55** by Senator Tate.

Memorials, Interns -- Cesar Arbelaez.

**Senate Resolution No. 56** by Senator Harper.

Memorials, Sports -- Victoria Essence Rose Dunlap, drafted by the WNBA's Washington Mystics.

**Senate Resolution No. 57** by Senator Harper.

Memorials, Interns -- Wynita J. Mock.

**Senate Resolution No. 58** by Senator Beavers.

Memorials, Interns -- Michael Herald.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 53, 397, 398, 439, 441, 443, 445 through 447 and 469**; and **Senate Joint Resolutions Nos. 370 through 394** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 53** -- Naming and Designating -- "Motorcycle Safety and Awareness Month", May 2011.

The Speaker announced that he had referred House Joint Resolution No. 53 to the Committee on Transportation and Safety.

**House Joint Resolution No. 397** -- Naming and Designating -- Designates May of 2011 as "American Diabetes Association Alert Month" in Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 397 to the Committee on State and Local Government.

**House Joint Resolution No. 398** -- Naming and Designating -- Designates May 12, 2011, as "Fibromyalgia Awareness Day" in Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 398 to the Committee on State and Local Government.

**House Joint Resolution No. 439** -- Memorials, Interns -- Krysten Velloff.

The Speaker announced that he had referred House Joint Resolution No. 439 to the Committee on Calendar.

**House Joint Resolution No. 441** -- Memorials, Retirement -- Judy Hardister.

The Speaker announced that he had referred House Joint Resolution No. 441 to the Committee on Calendar.

**House Joint Resolution No. 443** -- Memorials, Recognition -- Tierney Bourage.

The Speaker announced that he had referred House Joint Resolution No. 443 to the Committee on Calendar.

**House Joint Resolution No. 445** -- Memorials, Professional Achievement -- Judith King Barth, Ms. Tennessee Senior America 2011.

The Speaker announced that he had referred House Joint Resolution No. 445 to the Committee on Calendar.



**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**House Joint Resolution No. 446** -- Memorials, Congratulations -- Paige Nicole Jordan, "Doodle 4 Google" contest winner.

The Speaker announced that he had referred House Joint Resolution No. 446 to the Committee on Calendar.

**House Joint Resolution No. 447** -- Memorials, Congratulations -- Cristine Victoria Moore, "Doodle 4 Google" contest winner.

The Speaker announced that he had referred House Joint Resolution No. 447 to the Committee on Calendar.

**House Joint Resolution No. 469** -- Memorials, Death -- Roger L. Huntley.

The Speaker announced that he had referred House Joint Resolution No. 469 to the Committee on Calendar.

**Senate Joint Resolution No. 370** -- Memorials, Interns -- Lochie Elizabeth Landolt.

The Speaker announced that he had referred Senate Joint Resolution No. 370 to the Committee on Calendar.

**Senate Joint Resolution No. 371** -- Memorials, Congratulations -- Booker T. Washington High School, 2011 Race to the Top Commencement Challenge winner.

The Speaker announced that he had referred Senate Joint Resolution No. 371 to the Committee on Calendar.

**Senate Joint Resolution No. 372** -- Memorials, Congratulations -- Booker T. Washington High School, 2011 Race to the Top Commencement Challenge winner.

The Speaker announced that he had referred Senate Joint Resolution No. 372 to the Committee on Calendar.

**Senate Joint Resolution No. 373** -- Memorials, Interns -- Katheryn Anderson.

The Speaker announced that he had referred Senate Joint Resolution No. 373 to the Committee on Calendar.

**Senate Joint Resolution No. 374** -- Memorials, Academic Achievement -- Lindsay Alanna Doss, Salutatorian, Gallatin High School.

The Speaker announced that he had referred Senate Joint Resolution No. 374 to the Committee on Calendar.

**Senate Joint Resolution No. 375** -- Memorials, Academic Achievement -- Amelia Marie Elizabeth Mimms, Valedictorian, Gallatin High School.

The Speaker announced that he had referred Senate Joint Resolution No. 375 to the Committee on Calendar.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 376** -- Memorials, Academic Achievement -- Darrian MacKenzie Bruce, Valedictorian, Gallatin High School.

The Speaker announced that he had referred Senate Joint Resolution No. 376 to the Committee on Calendar.

**Senate Joint Resolution No. 377** -- Memorials, Academic Achievement -- Morghan Victoria Parker, Valedictorian, Portland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 377 to the Committee on Calendar.

**Senate Joint Resolution No. 378** -- Memorials, Academic Achievement -- Kelsey Cheyenne Porter, Salutatorian, Portland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 378 to the Committee on Calendar.

**Senate Joint Resolution No. 379** -- Memorials, Interns -- Nikita Lea Graham.

The Speaker announced that he had referred Senate Joint Resolution No. 379 to the Committee on Calendar.

**Senate Joint Resolution No. 380** -- Memorials, Retirement -- Herb Handly.

The Speaker announced that he had referred Senate Joint Resolution No. 380 to the Committee on Calendar.

**Senate Joint Resolution No. 381** -- Memorials, Retirement -- Reverend Rick Kirchoff.

The Speaker announced that he had referred Senate Joint Resolution No. 381 to the Committee on Calendar.

**Senate Joint Resolution No. 382** -- Memorials, Academic Achievement -- Hunter James Martin, Salutatorian, Greenfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 382 to the Committee on Calendar.

**Senate Joint Resolution No. 383** -- Memorials, Academic Achievement -- Ryan Wesley Clark, Valedictorian, Greenfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 383 to the Committee on Calendar.

**Senate Joint Resolution No. 384** -- Memorials, Sports -- Lake County High School boys' basketball team, TSSAA Class A State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 384 to the Committee on Calendar.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 385** -- Memorials, Academic Achievement -- Derek Hoyt Giffin, Salutatorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 385 to the Committee on Calendar.

**Senate Joint Resolution No. 386** -- Memorials, Academic Achievement -- Paxton Kimber Sisson, Valedictorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 386 to the Committee on Calendar.

**Senate Joint Resolution No. 387** -- Memorials, Death -- Alfred Martin Creswell.

The Speaker announced that he had referred Senate Joint Resolution No. 387 to the Committee on Calendar.

**Senate Joint Resolution No. 388** -- Memorials, Academic Achievement -- Kelsi Breanna Clark, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 388 to the Committee on Calendar.

**Senate Joint Resolution No. 389** -- Memorials, Academic Achievement -- Mariana Makarenee Hagler, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 389 to the Committee on Calendar.

**Senate Joint Resolution No. 390** -- Memorials, Academic Achievement -- Chelsea Brooke Spurgeon, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 390 to the Committee on Calendar.

**Senate Joint Resolution No. 391** -- Memorials, Academic Achievement -- Lindsey Danielle Wyatt, Salutatorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 391 to the Committee on Calendar.

**Senate Joint Resolution No. 392** -- Memorials, Academic Achievement -- Piper Danielle Black, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 392 to the Committee on Calendar.

**Senate Joint Resolution No. 393** -- Memorials, Academic Achievement -- Brooke Nicole Torres, Valedictorian, Houston County High School.

## **WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 393 to the Committee on Calendar.

**Senate Joint Resolution No. 394** -- Memorials, Academic Achievement -- Clarissa Belle Pulley, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 394 to the Committee on Calendar.

### **CONSENT CALENDAR**

**Senate Joint Resolution No. 330** -- Memorials, Retirement -- Ruth Adams.

**Senate Joint Resolution No. 344** -- Memorials, Death -- James Cowan Havron.

**Senate Joint Resolution No. 345** -- Memorials, Professional Achievement -- *The Vol State Pioneer* magazine.

**Senate Joint Resolution No. 346** -- Memorials, Personal Occasion -- Mary Graham Cook, 100th birthday.

**Senate Joint Resolution No. 347** -- Memorials, Recognition -- White House Middle School Future Problem Solving Team.

**Senate Joint Resolution No. 348** -- Memorials, Professional Achievement -- Gerald Melton, President of Tennessee District Public Defenders Conference.

**Senate Joint Resolution No. 349** -- Memorials, Academic Achievement -- Michael Welborn, Valedictorian, Heritage Christian Academy.

**Senate Joint Resolution No. 350** -- Memorials, Retirement -- Mary Jean Smith.

**Senate Joint Resolution No. 351** -- Memorials, Professional Achievement -- Susan Kessler, ASCD Outstanding Young Educator of the Year.

**Senate Joint Resolution No. 355** -- Memorials, Death -- M.C. Wallace, Sr.

**House Joint Resolution No. 407** -- Memorials, Interns -- Stephanie Sparr.

**House Joint Resolution No. 408** -- Memorials, Death -- Duren Cheek.

**House Joint Resolution No. 409** -- Memorials, Recognition -- Crossville, Inc., 25th anniversary.

**House Joint Resolution No. 411** -- Memorials, Academic Achievement -- Kayla A. Wade, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 412** -- Memorials, Academic Achievement -- Haley N. Clark, Top Twelve Graduate, Volunteer High School.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**House Joint Resolution No. 413** -- Memorials, Academic Achievement -- Katie E. McFarland, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 414** -- Memorials, Academic Achievement -- Casey Lynn Leamon, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 415** -- Memorials, Academic Achievement -- Ashley C. Galloway, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 416** -- Memorials, Academic Achievement -- Lauren H. Kimmel, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 417** -- Memorials, Academic Achievement -- Samantha J. Stapleton, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 418** -- Memorials, Academic Achievement -- Randall Wade Lumpkins, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 419** -- Memorials, Academic Achievement -- Frankie D. Merrill, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 420** -- Memorials, Academic Achievement -- Sara C. Moncier, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 421** -- Memorials, Academic Achievement -- Austin Neal Britton, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 422** -- Memorials, Academic Achievement -- Paige L. Roberts, Top Twelve Graduate, Volunteer High School.

**House Joint Resolution No. 423** -- Memorials, Academic Achievement -- Jacob O'Brian Seal, Salutatorian, Hancock County High School.

**House Joint Resolution No. 424** -- Memorials, Academic Achievement -- Barclee Cannon, Valedictorian, Hancock County High School.

**House Joint Resolution No. 426** -- Memorials, Death -- Tony Pace.

**House Joint Resolution No. 435** -- Memorials, Interns -- Kolanje D. Thomas-Alexander.

**House Joint Resolution No. 436** -- Memorials, Public Service -- Agenia Clark.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	29
Noes .....	0

WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

PRESENTATION

Senator Campfield presented **Senate Joint Resolution No. 330** to Ms. Ruth Adams.

LOCAL BILL  
CONSENT CALENDAR

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, May 19, 2011, pursuant to Rule 38: **Senate Bill No. 2107**.

**Senate Bill No. 2108** -- Lafayette -- As introduced, subject to local approval, requires reading of ordinances on two different days, rather than three, prior to adoption; authorizes mayor to appoint a director of public works, subject to confirmation by the city council; increases salary of mayor. Amends Chapter 235 of the Private Acts of 1945; as amended.

On motion, Senate Bill No. 2108 was made to conform with **House Bill No. 2150**.

On motion, House Bill No. 2150, on same subject, was substituted for Senate Bill No. 2108.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CALENDAR

**Senate Bill No. 326** -- Health Care -- As introduced, enacts the Health Care Compact. Amends TCA Title 4; Title 33; Title 63; Title 68 and Title 71, as amended.

Thereupon, **Senate Bill No. 326**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 22  
Noes ..... 9

## WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Haynes, Herron, Marrero and Tate--9.

A motion to reconsider was tabled.

### MOTION

Senator McNally moved that Rule 37 and Rule 38 be suspended for the purpose of allowing any bills passed out of the Committee on Finance, Ways and Means to be immediately placed on the calendar, which motion prevailed.

### MOTION

Senator Norris moved that Rule 39 be suspended for the purpose of allowing all Amendments to bills on the calendar filed by 8:30 a.m., on Thursday, May 19, 2011 and Friday, May 20, 2011, to be considered timely, which motion prevailed.

### MOTION

Senator Norris moved that Rule 44 be suspended for the purpose of allowing all messages received from the House to be placed on the next message calendar, which motion prevailed.

### MOTION

Senator Tracy moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 436**, out of order, which motion prevailed.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution No. 436** by Senator Tracy.  
Memorials, Retirement -- David Puckett.

On motion of Senator Tracy, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 436** was adopted.

A motion to reconsider was tabled.

### CALENDAR

**Senate Joint Resolution No. 221** -- Constitutional Amendments -- Proposes additional language in Article II, Section 28 to explicitly prohibit the general assembly from levying, authorizing or otherwise permitting any state or local tax upon payroll or earned personal income or any state or local tax measured by payroll or earned personal income.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 221** had been read.

On motion of Senator Finney, Amendment No. 1 was withdrawn.

Thereupon, **Senate Joint Resolution No. 221** was adopted by the following vote:

Ayes .....	26
Noes .....	4

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Harper, Henry, Marrero and Tate--4.

A motion to reconsider was tabled.

**Senate Bill No. 55** -- Annexation -- As introduced, requires municipality to notify affected property owners by mail of proposed extension of corporate limits under certain circumstances. Amends TCA Title 6, Chapter 51 and Title 6, Chapter 58, Part 1.

Senator Overbey declared Rule 13 on **Senate Bill No. 55**.

Senator Haynes declared Rule 13 on **Senate Bill No. 55**.

On motion, Senate Bill No. 55 was made to conform with **House Bill No. 1214**.

On motion, House Bill No. 1214, on same subject, was substituted for Senate Bill No. 55.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 6-51-104(b), is amended by deleting subdivision (1) and substituting instead the following:

(b)(1)(A) A copy of the resolution, describing the territory proposed for annexation, shall be promptly sent by the municipality to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation. The resolution shall be sent by first class mail and shall be mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on such proposed annexation. The resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the municipality proposing such annexation, and by publishing notice of such resolution at or about the same time in a newspaper



of general circulation, if there is one, in such territory and municipality. The resolution shall also include a plan of services for the area proposed for annexation. The plan of services shall address the same services and timing of services as required in § 6-51-102. Upon adoption of the plan of services, the municipality shall cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located.

(B) A person or persons with personal knowledge of the mailing of the resolutions to each property owner of record pursuant to subdivision (b)(1)(A) may submit a notarized affidavit to the presiding officer of the municipality attesting that such resolutions were mailed in accordance with this subdivision (b)(1). Failure of a property owner to receive a notice that was mailed pursuant to subdivision (b)(1)(A) shall not be grounds to invalidate the annexation.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1214**, as amended, passed its third and final consideration by the following vote:

Ayes .....	27
Noes .....	2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Haynes and Marrero--2.

A motion to reconsider was tabled.

**Senate Bill No. 165** -- Sunset Laws -- As introduced, extends termination date for the department of education to June 30, 2011. Amends TCA Title 4, Chapter 29, Part 2 and Title 4, Chapter 3, Part 8.

On motion, Senate Bill No. 165 was made to conform with **House Bill No. 249**.

On motion, House Bill No. 249, on same subject, was substituted for Senate Bill No. 165.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. The department of education, in consultation with the state board of education, shall review the current curriculum standards for the teaching of sex education or for the teaching of other subjects in which the discussion of human sexuality may occur

incidental to the subject. The purpose of the review shall be to determine if the requirements of § 49-6-1005 and Title 49, Chapter 6, Part 13 are being met. The department of education shall report its findings and recommendations to the education committees of the senate and house of representatives by February 1, 2012.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 249**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 214** -- Sunset Laws -- As introduced, extends the medical care and cost containment committee, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6, Part 1.

On motion, Senate Bill No. 214 was made to conform with **House Bill No. 676**.

On motion, House Bill No. 676, on same subject, was substituted for Senate Bill No. 214.

Senator Watson moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the following language from the bill as amended:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 50-6-125(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The committee shall be composed of thirteen (13) voting members appointed by the commissioner as follows:

(A) Three (3) members shall be physicians licensed to practice medicine and surgery under Title 63, Chapter 6, and shall be appointed from a list of nominees submitted by the Tennessee Medical Association;

(B) Two (2) members shall represent employers and shall be appointed from a list of nominees submitted by the Tennessee Chamber of Commerce and Industry;

(C) One (1) member shall represent employers and shall be appointed from a list of nominees submitted by the Associated Builders and Contractors, Inc.;

(D) Two (2) members shall represent employees and shall be appointed from a list of nominees submitted by the Tennessee AFL-CIO State Labor Council;

(E) Two (2) members shall represent hospitals and shall be appointed from a list of nominees submitted by the Tennessee Hospital Association;

(F) One (1) member shall be a pharmacist and shall be appointed from a list submitted by the Tennessee Pharmacists Association;

(G) One (1) member shall represent the health insurance industry; and

(H) One (1) member shall be a chiropractor and shall be appointed from a list of nominees submitted by the Tennessee Chiropractic Association.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 676**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

**Senate Bill No. 419** -- County Officers -- As introduced, increases qualification for office of constable to include possessing high school diploma or GED rather than present requirement of ability to read and write. Amends TCA Title 8, Chapter 10, Part 1.

On motion, Senate Bill No. 419 was made to conform with **House Bill No. 530**.

On motion, House Bill No. 530, on same subject, was substituted for Senate Bill No. 419.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting Section 2 and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 8-10-109(b)(1), is amended by adding the following sentence at the end of the subdivision:

Any such action by the county legislative body to remove such law enforcement powers shall not become effective until expiration of the incumbent constable's current term of office.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. Section 1 of this act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to any election or appointment to the office of constable on or after such date. The remaining provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 530**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	23
Noes . . . . .	6
Present, not voting . . .	1

Senators voting aye were: Barnes, Berke, Burks, Crowe, Gresham, Harper, Haynes, Henry, Johnson, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

Senators voting no were: Bell, Campfield, Finney, Ford, Herron and Kelsey--6.

Senator present and not voting was: Beavers--1.

A motion to reconsider was tabled.

**Senate Bill No. 1205** -- Tourism -- As introduced, enacts the "Tennessee Adventure Tourism and Rural Development Act of 2011". Amends TCA Title 4; Title 5; Title 6; Title 11; Title 54; Title 55; Title 67; Title 68 and Title 70.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Senator Southerland moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 11, is amended by adding the following language as a new, appropriately designated part:

11-11-201.

This part shall be known and may be cited as the "Tennessee Adventure Tourism and Rural Development Act of 2011".

11-11-202.

The Department of Economic and Community Development, in cooperation with the Department of Environment and Conservation, is directed to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of Tennessee. Such study and plan shall be developed within existing departmental resources. The departments are directed to consider natural areas, best available science, existing recreational opportunities, economic conditions, including, but not limited to, persistent high unemployment, safety and environmental issues, and community interest in developing such plan. Such plan should include recommendations on whether and to what extent existing laws should be amended and any new laws should be enacted in order to encourage development of adventure tourism in Tennessee. The departments are authorized to promulgate rules and regulations in order to effectuate the purposes of this part.

11-11-203.

As used in this part, unless the context otherwise requires:

(1) "Adventure tourism" means outdoor recreational opportunities such as equine and motorized trail riding, white water rafting and kayaking, rappelling, road biking, rock climbing, hang-gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Adventure tourism district" means a defined geographic area identified and authorized by a two-thirds (2/3) vote of a local governing body and approved by the department and the Department of Environment and Conservation as an area where the promotion of adventure tourism is encouraged;

(3) "All-terrain vehicle" means either:

(A) A motorized vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(B) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and

in total dry weight up to two thousand pounds (2,000 lbs.), and that has a non-straddle seating and a steering wheel; or

(C) A motor vehicle as defined in § 55-1-103, which possesses a four (4) wheel drive capability and that is designed and suitable for operation off the highway on natural terrain;

(4) "Best interests of the state" means a determination by the Commissioner of Revenue, with approval by the Commissioner of Economic and Community Development, that:

(A) The qualified business enterprise or enterprises made within or adjacent to an adventure tourism district is a result of the special allocation and tax credits provided for in Section 5; and

(B) The adventure tourism district is a result of such qualified business enterprise or enterprises.

(5) "Canoeing" means the use of canoe for navigation of waterways;

(6) "Department" means the Department of Economic and Community Development;

(7) "Hang-gliding" means an air sport in which a pilot flies a light and un-motorized aircraft launched by foot;

(8) "Kayaking" means the use of a kayak for navigations of waterways;

(9) "Local governing body" means the elected legislative body of a municipal, metropolitan or county government;

(10) "Motorized trail riding" means the exploration of trails and natural areas by use of all-terrain vehicles;

(11) "Mountain biking" means the exploration of trails and natural areas by the use of bicycles;

(12) "Paragliding" means the air sport in which a pilot flies a light motorized aircraft that uses a parachute to stay airborne;

(13) "Rappelling" is the controlled descent down a rope by climbers used to explore cliffs or slopes that are too steep to descend without protection;

(14) "Road biking" means both non-competitive and competitive bicycling events that take place on improved roads;

(15) "Rock climbing" means the recreational sport of climbing up or across natural rock formations;

(16) "Shooting sports" means the recreational sport of firing handguns, rifles or shotguns at moving or fixed targets;

(17) "Spelunking" means the recreational sport of exploring noncommercial cave systems;

(18) "Triathlon" means the recreational activity of sporting contests involving open waters swimming, bicycle riding, and running, whether on trails or improved roads;

(19) "White water rafting" means the recreational activity of using an inflatable raft or kayak to navigate rough water; and

(20) "Zip lining" means the exploration of natural areas by use of above-ground cable systems.

11-11-204.

(a) A local governing body, may, by a two-thirds (2/3) vote of its governing body, authorize the creation of a district within the boundaries of such governing body as an adventure tourism district by developing an adventure tourism district plan. Alternatively, one (1) or more counties or one (1) or more municipalities may enter into an intergovernmental agreement pursuant to the Interlocal Cooperation Act, compiled in Title 12, Chapter 9, to designate jointly an adventure tourism district that contains area within the boundaries of more than one (1) local government.

(b) Adventure tourism professionals may petition local governing bodies to authorize the creation of an adventure tourism district. Such petition shall be accompanied by specific business plans based on quantifiable data demonstrating that the creation of an adventure tourism district would enhance sustainable economic development in the area.

(c) Upon a local governing body or bodies authorizing the creation of an adventure tourism district, the adventure tourism district plan shall be submitted to the Department of Economic and Community Development and the Department of Revenue for joint approval as an adventure tourism district. Such approval shall be granted if the Commissioner of Economic and Community Development and the Commissioner of Revenue determine that the allocation of franchise and excise tax credits are in the best interest of the state.

(d) Following the approval of the Department of Economic and Community Development and the Department of Revenue for an adventure tourism district pursuant to subsection (c), a local governing body may submit the adventure tourism district plan to:

(1) The Department of Revenue and the Department of Economic and Community Development for approval of tax credits pursuant to § 67-4-2109; and

(2) The Department of Tourist Development for promotional support through use of the department's existing resources.

11-11-205.

(a) If an adventure tourism professional or business, whether a sole proprietorship or any other business entity including a partnership, limited liability company, corporation, or joint venture, engaged in business within an adventure tourism district meets the requirements of this section and posts a sign as directed by subsection (c), unless such adventure tourism professional or business acts intentionally or with gross negligence, no action shall lie against such adventure tourism professional or business whose action or inaction is causal of the injury complained of; provided, however, that this prohibition shall not prevent the maintenance of an action against an adventure tourism professional or business for other causes of injury or death, including, but not limited to, design construction or operation maintenance.

(b) Each adventure tourism professional or business shall maintain liability insurance with limits of not less than one million dollars (\$1,000,000) per occurrence.

(c) Each adventure tourism professional or business may post and maintain signs that contain the warning notice specified in subsection (d). If a business posts the signs, they shall be placed in clearly visible locations at such businesses. The warning notice specified in subsection (d) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. In addition to any other waivers or warnings signed by participants, every written contract entered into by an adventure tourism professional or business for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves activities on or off the location or site of the adventure tourism professional's business, may contain in clearly readable print the warning notice specified in subsection (d).

(d) The signs and contracts described in subsection (c) shall contain the following warning notice:

### **WARNING**

Under Tennessee Law, an adventure tourism professional is not liable for an injury to or the death of a participant in adventure tourism activities resulting from the inherent risks of such activities, pursuant to Tennessee Code Annotated, Title 11, Chapter 11.

(e) No action shall be maintained against an adventure tourism professional or business complying with this section, unless the action is commenced within one (1) year from the time of injury; provided, that as a condition precedent to an action, the adventure tourism professional or business shall be notified by registered mail within ninety (90) days of the occurrence of the act or omission that is alleged to have caused the injury, unless the court finds under the circumstances of the particular case that the adventure tourism professional or business or any of its employees either had



actual knowledge of the injury or had a reasonable opportunity to learn of the injury within the ninety-day period, or was otherwise not substantially prejudiced by reason of not having been given actual written notice of the injury within the period; provided, that in any case where lack of written notice, actual knowledge, or a reasonable opportunity to obtain knowledge of any injury within the ninety-day period is alleged by an adventure tourism professional or business, the burden of proof shall be on the operator to show that it was substantially prejudiced by the lack of written notice, actual knowledge or opportunity to obtain knowledge.

11-11-206.

The Department of Environment and Conservation and the Department of Economic and Community Development may work together to provide assistance as deemed appropriate by the departments to encourage the development of adventure tourism within those regions of the state designated as suitable for such activities and where persistent high unemployment exists.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "All-terrain vehicle" means either:

(1) A motorized non-highway tire vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

(2) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.) and that has a non-straddle seating and a steering wheel;

SECTION 3. Tennessee Code Annotated, Section 55-8-185, is amended by adding the following as new, appropriately designated subsections:

(e) In addition to the provisions above, an all-terrain vehicle as defined in § 55-8-101 may be operated or driven upon any streets, roads, or highways, as designated specifically for such purpose by the local governing body, and included within the boundaries of an adventure tourism district established pursuant to Section 1 of this act, if such all-terrain vehicle complies with the following:

(1) The governing body of a municipality or metropolitan government may regulate in any manner, by lawfully enacted ordinance, the operation of any all-terrain vehicle crossing of a street, road or highway solely under the municipality's jurisdiction; provided, that such municipality provides written notification to the Department of Safety prior to the effective date of the ordinance and posts appropriate signage designating such all-terrain vehicle crossing on such street, road or highway;

(2) The governing body of any county may by lawfully enacted resolution regulate the operation of all-terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides written notification to the Department of Safety prior to such resolution becoming effective and posts appropriate signage designating such street, road or highway for all-terrain vehicle use;

(3) An all-terrain vehicle is specifically restricted to only between one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset, and the headlight and taillight shall be illuminated during such operation;

(4) The operator and all passengers of an all-terrain vehicle shall wear a helmet while driving or operating such vehicle on a street, road or highway;

(5) Any additional safety requirements imposed by the local governing body for all-terrain vehicle operation on streets, roads or highways in such municipality, metropolitan government or county; and

(6) No all-terrain vehicles shall be operated on any state highway or any highway that is a part of the interstate and defense highway system.

(f) Operation of the following all-terrain vehicles shall be exempt from subsection (e):

(1) All-terrain vehicles operated for agricultural purposes; and

(2) Publicly-owned and operated all-terrain vehicles that are used for management, law enforcement, emergency services and other such purposes.

SECTION 4. Tennessee Code Annotated, Section 67-4-2109(a)(5)(A), is amended by deleting the language "or convention or trade show facilities;" in its entirety and by substituting instead the following language:

convention or trade show facilities, or tourism related businesses including, but not limited to, restaurants, lodging establishments, or other tourism related attractions;

SECTION 5. Tennessee Code Annotated, Section 67-4-2109(b)(2), is amended by adding the following language as a new subsection:

(C) If the qualified business enterprise is located in area designated as an adventure tourism zone pursuant to § 11-11-204(c), an annual credit shall be allowed as follows:

(i) The additional annual credit shall be allowed for a period of three (3) years beginning with the first tax year after the initial job tax credit is created;

(ii) The additional annual credit shall equal four thousand five hundred dollars (\$4,500) for each qualified job; provided, that the job remains filled by employees during the year in which the credit is being taken. This annual

credit may be used to offset up to one hundred percent (100%) of the taxpayer's franchise and excise tax liability for that year. Any unused annual credit, however, shall not be carried forward beyond the year in which the credit originated;

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1205**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	3

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Berke, Henry and Herron--3.

A motion to reconsider was tabled.

**Senate Bill No. 557** -- Victims' Rights -- As introduced, requires governor to notify attorney general and appropriate district attorney at least 10 days before any act of executive clemency is made public and requires district attorney to notify the victim of the offense for which the person was convicted. Amends TCA Title 40, Chapter 27.

On motion, Senate Bill No. 557 was made to conform with **House Bill No. 396**.

On motion, House Bill No. 396, on same subject, was substituted for Senate Bill No. 557.

Senator Beavers moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the language "At least ten (10) days prior" in subsection (b) in § 40-27-110 in Section 1 and substituting instead the language "Prior".

AND FURTHER AMEND by deleting subdivision (c)(2) in § 40-27-110 in Section 1 and substituting instead the following:

(c)(2) If notice is required by this section, the district attorney general, through the victim-witness coordinator, shall contact the victim or victim's representative by telephone, electronic mail, facsimile or by other means intended to ensure that the victim receives immediate notification; provided, that the victim or victim's representative has provided the district attorney general's office with contact information necessary to accomplish such immediate notification.

On motion, Amendment No. 1 was adopted.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

Thereupon, **House Bill No. 396**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0

Senators voting aye were: Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**Senate Bill No. 558** -- Law Enforcement -- As introduced, provides that a retired law enforcement officer who has been certified to carry a firearm has to be recertified every four years instead of annually but such officer is only permitted to carry the firearm within the State of Tennessee. Amends TCA Title 38, Chapter 8, Part 1.

On motion, Senate Bill No. 558 was made to conform with **House Bill No. 395**.

On motion, House Bill No. 395, on same subject, was substituted for Senate Bill No. 558.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 395** passed its third and final consideration by the following vote:

Ayes . . . . . 26  
Noes . . . . . 2

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--26.

Senators voting no were: Kelsey and Marrero--2.

A motion to reconsider was tabled.

**Senate Bill No. 604** -- Forfeiture of Assets -- As introduced, provides that real and personal property used in commission of human trafficking offenses is subject to judicial forfeiture seizure and provides for disposition of funds from forfeited assets. Amends TCA Title 39, Chapter 11, Part 7 and Title 39, Chapter 13, Part 3.

On motion, Senate Bill No. 604 was made to conform with **House Bill No. 171**.

On motion, House Bill No. 171, on same subject, was substituted for Senate Bill No. 604.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 171** passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 1

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Henry--1.

A motion to reconsider was tabled.

**Senate Bill No. 775** -- Firearms and Ammunition -- As introduced, specifies procedures for determining retired law enforcement officer's eligibility to carry a firearm under federal law. Amends TCA Title 38, Chapter 8, Part 1.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 38-8-116(d), is amended by deleting the language "list", in the second sentence of the subsection and by substituting instead the following language:

list and the commission determines, in the manner prescribed in § 38-8-123, that the applicant is eligible to carry a firearm under federal law,

SECTION 2. Tennessee Code Annotated, Section 38-8-116(d), is further amended by adding the following language at the end of the subsection:

A certificate issued to a retired officer pursuant to this subsection (d) shall be automatically revoked by operation of law upon the officer becoming ineligible to carry a firearm under federal law.

SECTION 3. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following language as a new section:

38-8-123.

(a) The Tennessee POST Commission shall determine a retired officer's eligibility to carry a firearm under federal law as provided in this section.

(b)(1) In addition to the identification or certificate required by § 38-8-116(d), the applicant shall be required to submit an application and two (2) full sets of classifiable fingerprints to the Tennessee POST Commission. The applicant shall present photo identification at the time the application is submitted to the Tennessee POST Commission. The commission shall not accept the application and fingerprints submitted by the applicant unless the photo identification presented accurately identifies the applicant and the name on the photo

identification, the name on the application, and, if the applicant's fingerprints were taken by a sheriff as provided in subdivision (b)(2), the name on the fingerprint card, are the same.

(2) The applicant's fingerprints may be taken by the Tennessee POST Commission at the time the application is submitted or the applicant may have the fingerprints taken at any sheriff's office. If the applicant's fingerprints are taken by a sheriff, then the applicant shall be required to present photo identification at the time the fingerprints are taken. If the presented photo identification does not accurately identify the applicant, then the sheriff shall refuse to take the applicant's fingerprints. The sheriff may charge a fee not to exceed five dollars (\$5.00) for taking the applicant's fingerprints.

(c)(1) Upon receipt of an applicant's permit application and fingerprints, the Tennessee POST Commission shall forward both sets of fingerprints to the Tennessee Bureau of Investigation.

(2) Upon receipt of the fingerprints from the Tennessee POST Commission, the Tennessee Bureau of Investigation shall:

(A) Within thirty (30) days from receipt of the fingerprints conduct:

(i) Any computer search available to the bureau based solely upon the applicant's name, date of birth and social security number to determine the applicant's eligibility for a permit under subsection (a) and send the results of the searches to the Tennessee POST Commission;

(ii) A criminal history record check based upon one (1) set of the fingerprints received and send the results to the Tennessee POST Commission; and

(B) Within fifteen (15) days, send one (1) set of the fingerprints received to the Federal Bureau of Investigation. The Tennessee Bureau of Investigation shall request that the federal bureau conduct a federal criminal history record check based upon the fingerprints, as long as the service is available, and send the results of the check to the Tennessee POST Commission.

(d)(1) The Tennessee POST Commission shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and Federal Bureaus of Investigation pursuant to subdivision (c)(2), or from other information that comes to the attention of the Tennessee POST Commission, that the applicant is not eligible to carry a firearm under federal law. The Tennessee POST Commission shall not be required to confirm the applicant's eligibility for certification beyond the information received from the Tennessee and Federal Bureaus of Investigation, if any.

(2) If the Tennessee POST Commission denies an application, then the Tennessee POST Commission shall notify the applicant in writing within ten (10) days of the denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records or inquiries reviewed or relied upon by the Tennessee POST Commission.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 775**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 852** -- Taxes, Real Property -- As introduced, specifies that if the assessor of property or the county is unable to comply with present law requirements regarding reappraisal and equalization of property for property tax purposes, then the assessor or county must reimburse the state "two times the costs incurred in ensuring compliance" instead of "the costs incurred"; removes the requirement that the state board of equalization sit for a portion of its time in the western and eastern divisions of the state, in addition to its sessions at Nashville. Amends TCA Title 67, Chapter 1 and Title 67, Chapter 5.

Senator Yager moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-212, is amended by substituting the words "is organized as a nonprofit charitable or educational institution" for the following language in subsections (l) and (m):

holds such a license, whether as a transferee, successor, or otherwise, of a license formerly held by the public library board of any county having a metropolitan form of government

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 3:

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

and shall apply to applications pending on the effective date of this act as well as applications received thereafter.

AND FURTHER AMEND by deleting Section 2 of the bill as filed and renumbering remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 852**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator McNally moved that **Senate Bill No. 1004** be moved five places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 1025** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, enacts the "Surplus Lines Insurance Act" and the Surplus Lines Insurance Multi-State Compliance Compact. Amends TCA Title 56, Chapter 14.

On motion, Senate Bill No. 1025 was made to conform with **House Bill No. 966**.

On motion, House Bill No. 966, on same subject, was substituted for Senate Bill No. 1025.

Senator Ketron moved that **House Bill No. 966** be placed on the Calendar for Thursday, May 19, 2011, which motion prevailed.

Senator Norris moved that **Senate Bill No. 1165** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 1646** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 1659** -- Criminal Offenses -- As introduced, includes entertainment services in services the theft of which constitutes theft of services and adds enhanced violation for repeat offenders; specifies that victims may report violations and testify. Amends TCA Title 39.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 2 in its entirety and by substituting instead the following:



**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

SECTION 2. Tennessee Code Annotated, Section 39-14-104, is amended by designating the existing language as subsection (a); by inserting the language "forgery, false statement", after the language "coercion", and before the language "false pretense"; and by adding the following as a new subsection (b):

(b) Any individual directly or indirectly harmed by a violation of subsection (a) shall have legal standing to report such violations to law enforcement and testify in support of corresponding criminal charges.

AND FURTHER AMEND by deleting Section 3 in its entirety and by redesignating remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1659**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 1776** -- Students -- As introduced, requires students to demonstrate through grades or test scores an understanding of the curriculum and an ability to perform the skills required for the current grade before being promoted. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following as a new section:

49-6-3115.

Beginning with the 2011-2012 school year, a student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results. However, such student may be promoted if the student participates in an LEA approved research-based intervention prior to the beginning of the next school year. This section shall not apply to students who have IEPs pursuant to 20 U.S.C. § 1400 et seq.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1776**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator McNally moved that **Senate Bill No. 1004** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 1851** -- Agriculture -- As introduced, exempts sellers of 30 dozen or less eggs weekly from handling, washing and labeling requirements. Amends TCA Title 53.

Senator Johnson moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 2, is amended by adding a new, appropriately designated section:

53-2-116. Notwithstanding any other provision in Title 53, a person licensed under Title 53, Chapter 1 to sell eggs may sell, offer, or expose for sale, or have in the person's possession for sale, all eggs produced by the person unless limited otherwise by federal law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1851**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero,

McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 1852** -- Child Custody and Support -- As introduced, revises conditions under which grandparent visitation can be awarded. Amends TCA Title 36, Chapter 6, Part 3.

On motion, Senate Bill No. 1852 was made to conform with **House Bill No. 1698**.

On motion, House Bill No. 1698, on same subject, was substituted for Senate Bill No. 1852.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-307, is amended by redesignating the current language as subsection (a) and by adding the following new subdivisions thereto:

(8) Any unreasonable deprivation of the grandparent's opportunity to visit with the child by the child's parents or guardian, including denying visitation of the minor child to the grandparent for a period exceeding ninety (90) days;

(9) Whether the grandparent is seeking to maintain a significant existing relationship with the child; and

(10) Whether awarding grandparent visitation would interfere with the parent child relationship.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1698**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**Senate Bill No. 1933** -- Highway Signs -- As introduced, designates segment of State Route 68 in Monroe County as "Bob Harrill Memorial Highway".

On motion, Senate Bill No. 1933 was made to conform with **House Bill No. 1243**.

On motion, House Bill No. 1243, on same subject, was substituted for Senate Bill No. 1933.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1243** passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 1942** -- Hospitals and Healthcare Facilities -- As introduced, prohibits a healthcare institution that treats drug abuse patients from being held liable for any damages resulting from the introduction of harmful substances into an indwelling catheter placed in the patient, provided that the healthcare institution informs the patient of such immunity. Amends TCA Title 29; Title 33, Chapter 10, Part 1; Title 63 and Title 68, Chapter 11.

On motion, Senate Bill No. 1942 was made to conform with **House Bill No. 1172**.

On motion, House Bill No. 1172, on same subject, was substituted for Senate Bill No. 1942.

**House Bill No. 1172** passed its third and final consideration by the following vote:

Ayes . . . . .	25
Noes . . . . .	3
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Henry, Johnson, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Berke, Finney and Marrero--3.

Senator present and not voting was: Kelsey--1.

A motion to reconsider was tabled.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

**Senate Bill No. 230** -- Governor -- As introduced, requires governor to submit legislation to revise TCA to reflect changes in governmental structure made by executive order. Amends TCA Title 4.

Senator Watson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-236(a), is amended by deleting subdivision (1) in its entirety.

SECTION 2. Notwithstanding the provisions of § 4-29-112, or any other law to the contrary, the advisory committee on women's health, created by § 68-1-1804, shall terminate and shall cease to exist upon the effective date of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Harper moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause of the bill as amended and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-4-102, is amended by adding the following new subsection:

( ) The governor shall cause proposed legislation to be forwarded to the chairs of the Government Operations Committees in the House of Representatives and the Senate during the first session of the general assembly following any such transfer of functions. Such legislation shall revise provisions of the Tennessee Code Annotated to reflect any such changes made by executive order pursuant to this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**MR. SPEAKER RAMSEY RESUMES CHAIR**

Mr. Speaker Ramsey resumed the Chair.

Senator Watson moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 18  
Noes . . . . . 12

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Marrero, Overbey and Tate--12.

Thereupon, **Senate Bill No. 230**, as amended, passed its third and final consideration by the following vote:

Ayes .....	20
Noes .....	10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron and Marrero--10.

A motion to reconsider was tabled.

**MOTION**

Senator Summerville moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 367**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 367** -- Memorials, Death -- Tennessee State Trooper Andrew "Andy" Thomas Wall.

On motion of Senator Summerville, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 367** was adopted.

A motion to reconsider was tabled.

**MOTION**

On motion of Senator Faulk, his name was added as sponsor of **Senate Bills Nos. 395, 1205 and 1851**.

On motion of Senators Johnson, Ketron, Southerland and Yager, their names were added as sponsors of **Senate Bill No. 528**.

On motion of Senators Faulk, Overbey, Marrero and Burks, their names were added as sponsors of **Senate Bill No. 557**.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 604**.

On motion of Senators Kelsey and Yager, their names were added as sponsors of **Senate Bill No. 605**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bill No. 725**.

On motion of Senators Ford, Marrero and Tate, their names were added as sponsors of **Senate Bill No. 852**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 1088**.

On motion of Senators Burks and Gresham, their names were added as sponsors of **Senate Bill No. 1205**.

On motion of Senator Overbey, his name was added as prime sponsor of **Senate Bill No. 1224**.

On motion of Senator Yager, his name was removed as sponsor of **Senate Bill No. 1224**.

On motion of Senators Gresham, Berke, Tracy, Herron, Barnes, Harper, Tate and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 1776**.

On motion of Senators Bell, Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 1933**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 2114**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Joint Resolution No. 224**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 330**.

On motion of Senator Harper, her name was added as sponsor of **Senate Joint Resolution No. 344**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Resolution No. 26**.

On motion of Senators Herron, Harper, Overbey, Marrero and Henry, their names were added as sponsors of **House Joint Resolution No. 408**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 409**.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423 and 424.**

On motion of Senators Harper and Marrero, their names were added as sponsors of **House Joint Resolution No. 436.**

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris Overbey, Roberts, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 367.**

**ENGROSSED BILLS**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 230, 326, 775, 852, 1205, 1659, 1776 and 1851; and Senate Joint Resolutions Nos. 221, 330, 344, 345, 346, 347, 348, 349, 350, 351, 355 and 367; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 436, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 175, 648, 687, 759, 985, 1304, 1943, 1951, 1956 and 1980; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492 and 493; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.



**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 203, 226, 232, 1023, 1140, 1448, 1541 and 1951; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 616, 905, 1192, 1571 and 1771; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342 and 343; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 367 and 436, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 203, 226, 232, 616, 905, 1023, 1140, 1192, 1448, 1541, 1571, 1771 and 1951; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**ENROLLED BILLS**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 367 and 436; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 426, 435 and 436; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

May 18, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 203, 226, 232, 616, 905, 1023, 1140, 1192, 1448, 1541, 1571, 1771 and 1951.

**SIGNED**

May 18, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 367 and 436.

**SIGNED**

May 18, 2011

The Speaker announced that he had signed the following: House Bills Nos. 37, 151, 245, 583, 587, 625, 693, 696, 715, 860, 1267, 1329, 1332, 1586, 1713, 1755, 1858, 1924 and 1946.

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 88, 102, 307, 449, 703, 710, 1065, 1086, 1262, 1265, 1483, 1710 and 1936; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**WEDNESDAY, MAY 18, 2011 -- 36TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 367 and 436; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 88, 102, 307, 449, 703, 710, 1065, 1086, 1262, 1265, 1710 and 1936; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 1483, for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 367 and 436; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Thursday, May 19, 2011, which motion prevailed.